



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Milinda A. Sullivan, Treasurer
Jenny Horne for Congress
133 E. 1st North Street, Suite 5
Summerville, SC 29483

JUN 20 2017

RE: MUR 7152

Dear Ms. Sullivan:

The Federal Election Commission ("Commission") previously notified Jenny Horne for Congress and you in your official capacity as treasurer (collectively, the "Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations.

On June 7, 2017, based upon the information contained in the complaint and information provided by you on behalf of the Committee, the Commission dismissed allegations that the Committee violated 52 U.S.C. § 30104(a), pursuant to the Commission's prosecutorial discretion. *See Heckler v. Chaney*, 470 U.S. 821 (1985). Further, the Commission found no reason to believe that the Committee violated 52 U.S.C. § 30118(a). Accordingly, the Commission closed its file in this matter on June 7, 2017.

The Commission encourages the Committee to review the enclosed Factual and Legal Analysis, which sets forth the statutory and regulatory provisions considered by the Commission in this matter. In particular, the Commission reminds the Committee to amend its disclosure reports to reflect contribution refunds made by the Committee, and to accurately reflect the single contribution from the Law Offices of Ronnie Sabb, LLC and Ronnie Sabb. For further information on the Act, please refer to the Commission's website at www.fec.gov or contact the Commission's Public Information Division at (202) 694-1100.

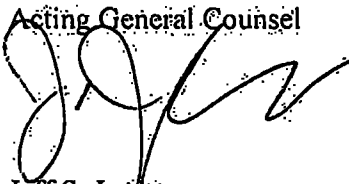
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If you have any questions, please contact Wanda D. Brown, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read 'J. Jordan', is written over the typed name of the Assistant General Counsel.

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure: Factual and Legal Analysis

1-044444-1

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Jenny Horne for Congress MUR 7152
and Milinda A. Sullivan, as treasurer
Hearn & Hearn, P.A.
Hodge & Langley Law Firm, P.C.
Ronnie A. Sabb
Law Offices of Ronnie A. Sabb, LLC

I. INTRODUCTION

This matter was generated by a Complaint alleging that three law firms and one lawyer made, and Jenny Horne for Congress and Milinda A. Sullivan in her official capacity as treasurer (the "Committee") accepted, prohibited and excessive contributions.¹ It was scored as a relatively low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

II. FACTUAL AND LEGAL ANALYSIS

Jenny Horne was a 2016 primary candidate for South Carolina's First Congressional District.² The Complaint alleges that three law firms and one lawyer made, and Jenny Horne for Congress and Milinda A. Sullivan in her official capacity as treasurer (the "Committee") accepted, prohibited and excessive contributions.³ Specifically, the Complainant alleges that on January 4, 2016, Hearn & Hearn P.A., a South Carolina Corporation, made and the Committee accepted a \$2,000 prohibited corporate contribution⁴; on March 8, 2016, Hodge and Langley

¹ Compl. at 2.

² Horne lost the primary election.

³ Compl. at 2-6.

⁴ The Complaint acknowledges that the Committee refunded this contribution on January 11, 2016.

1 Law Firm, P.C. made and the Committee accepted a \$250 prohibited corporate contribution; and
2 Ronnie A. Sabb made and the Committee accepted an excessive contribution in the form of a
3 \$2,700 contribution from Ronnie A. Sabb on November 27, 2015, and a second \$2,700
4 contribution from Sabb's firm, the Law Offices of Ronnie A. Sabb, LLC, on November 27,
5 2016.⁵

6 The Committee responds that it refunded the \$2,000 contribution from Hearn & Hearn,
7 P.A., a week after its receipt.⁶ The Committee states that it refunded the \$250 contribution (and
8 a \$100 debt retirement contribution) from Hodge and Langley Law Firm, P.C., as soon as it
9 learned that, contrary to the attribution form the firm submitted, the firm actually was a
10 corporation.⁷ Finally, the Committee explains that it only accepted one \$2,700 contribution from
11 Ronnie A. Sabb's law partnership, but due to a typographical error, the Committee mistakenly
12 reported it as two contributions.⁸

13 A "contribution" is "any gift, subscription, loan, advance, or deposit of money or
14 anything of value made by any person for the purpose of influencing any election for Federal
15 office."⁹ The Act and Commission regulations prohibit any corporation from making
16 a contribution to a political committee (other than an independent-expenditure-only committee
17 or a hybrid entity) in connection with a federal election, and further prohibit any candidate or

⁵ Compl. at 2-6.

⁶ Committee Resp. at 1; Resp. Attach. *See also* Hearn & Hearn, P.A. Resp. at 1 (confirming statements in Committee Response).

⁷ *Id.* *See also* Hodge and Langley Law Firm, P.C. Resp. at 1 (Asking Committee for refund and promising to replace it with individual contribution).

⁸ Resp. at 1. The Committee has not amended its disclosure reports to reflect the refunds for the Hodge and Langley Law Firm, P.C. contributions, or to correct the error related to the contribution from the Law Offices of Ronnie A. Sabb. *See* <http://docquery.fec.gov/pdf/290/201601299004752290/201601299004752290.pdf>.

⁹ 52 U.S.C. § 30101(8)(A)(i); 11 C.F.R. § 100.52(a).

1 political committee from knowingly accepting or receiving such a contribution.¹⁰ No candidate
2 or political committee shall knowingly accept prohibited or excessive contributions.¹¹ The
3 Committee treasurer is responsible for ascertaining whether a contribution is excessive or
4 prohibited.¹² Contributions that present genuine questions as to whether they were made by
5 corporations may be, within ten days of receipt, either deposited into the committee depository or
6 returned to the contributor.¹³ If the contribution is deposited, the treasurer must make best
7 efforts to determine the legality of the contribution.¹⁴ If the contribution cannot be determined to
8 be legal, the treasurer shall, within thirty days of the receipt, refund the contribution.¹⁵ Further,
9 if the contribution is later discovered to be prohibited, the treasurer shall refund the contribution
10 within thirty days of discovering the illegality.¹⁶ Finally, Committee treasurers are required to
11 file reports of receipts and disbursements in accordance with the provisions of the Act.¹⁷

12 As to the contributions by Hearn & Hearn, P.A. and Hodge and Langley Law Firm, P.C.,
13 the Committee treasurer took appropriate steps to determine the legality of the contributions and
14 made timely refunds.¹⁸ The Committee presented information showing that Ronnie A. Sabb

¹⁰ 52 U.S.C. § 30118(a); *see also* Advisory Op. 2010-11 (Commonsense Ten); *Carey v. FEC*, 791 F.Supp.2d 121 (D.D.C. 2011).

¹¹ 52 U.S.C. § 30116(f).

¹² 11 C.F.R. § 103.3(b).

¹³ 11 C.F.R. § 103.3(b)(1).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 11 C.F.R. § 103.3(b)(2).

¹⁷ 52 U.S.C. § 30104(a)(1), 11 C.F.R. § 104.1(a).

¹⁸ In the case of the Hearn & Hearn, P.A. contribution, the treasurer determined it to be a prohibited corporate contribution and issued a refund within seven days of its receipt. As to the Hodge and Langley Law Firm, P.C. contribution, the treasurer asked for and received a partnership allocation, and later, when the Complaint alleged that the Firm acted as a corporation, it issued a refund within thirty days of receiving the Complaint.

1 made only one individual contribution through his law partnership, and the second report of a
2 contribution was a typographical error.¹⁹

3 Therefore, in furtherance of the Commission's priorities, relative to other matters pending
4 on the Enforcement docket, the Commission exercised its prosecutorial discretion and dismissed
5 this matter as to Hodge & Langley Law Firm, P.C., and Hearn & Hearn, P.A. concerning the
6 making of prohibited contributions in violation of 52 U.S.C. § 30118(a).²⁰ Additionally, the
7 Commission dismissed the allegation that the Committee misreported receipts, in violation of
8 52 U.S.C. § 30104(b). Further the Commission found no reason to believe that the Committee
9 accepted prohibited or excessive contributions, in violation of 52 U.S.C. §§ 30116(f) or
10 30118(a), and no reason to believe that Ronnie A. Sabb or the Law Offices of Ronnie A. Sabb,
11 LLC made a prohibited or excessive contribution. Finally, the Commission reminded the
12 Committee to amend its disclosure reports to reflect the refunded contributions and to correct the
13 misreporting of the \$2,700 contribution made by the Law Offices of Ronnie A. Sabb, and closed
14 the file.

¹⁹ Committee Resp at 1, Attach. at Sabb partnership attribution form.

²⁰ *Heckler v. Chaney*, 470 U.S. 821 (1985).